

PART 2 - INVESTIGATING AND DISCUSSING A GRIEVANCE (1000)

(September 1988)

1. INVESTIGATE AND HANDLE EACH GRIEVANCE SO THAT, IF NECESSARY, THE OTHER LEVELS OF APPEAL WILL UPHOLD YOUR DECISION

Fair and complete treatment of grievances at each level will reduce the number of grievances appealed to the next level.

2. GRIEVANCES SHOULD BE DISCUSSED WITH THE EMPLOYEE'S REPRESENTATIVE, IF THERE IS ONE

If the employee has a representative, you should deal with that person. If the employee chooses to be present, he/she may. That decision is made by the employee and representative. In no case should you insist on meeting with the employee alone.

3. ALWAYS TALK WITH THE EMPLOYEE ABOUT HIS/HER GRIEVANCE

While this may not be required by the grievance procedure, it is a good idea to consider talking with the employee and his/her representative about the grievance. Often just giving the employee the opportunity to express his view will resolve the grievance. It will also give you a better understanding of the reason for the grievance. This may be important, particularly if the case is appealed or goes to arbitration. It is also important because what is sometimes cited as the cause for dispute is simply a symptom of a different problem or issue.

4. HAVE THE EMPLOYEE OR HIS/REPRESENTATIVE CLEARLY STATE WHAT HE IS SEEKING AS RESOLUTION TO THE GRIEVANCE

Having a full understanding of what the grievant wants will prevent misunderstandings in the future.

5. DO NOT GIVE THE EMPLOYEE A DECISION AT THE MEETING

Do not be hasty about making a decision. Do your homework, but be sure to comply with the negotiated time limits or seek an extension from the employee or his/her representative, if he/she has one.

6. IF YOU ARE DEALING WITH AN UNFAMILIAR ISSUE, DETERMINE WHETHER ANY PRIOR GRIEVANCE SETTLEMENTS RELATE TO THE MATTER

The purpose of this research is to ensure consistency and resolution of the grievance at the lowest level possible. Most times, this information can be obtained from your administrative officer. If not, ask him/her to consult with the Labor Relations Office.

7. RESEARCH THE GRIEVANCE PERSONALLY

If the physical location or condition of the work area relates to the grievance, be sure to personally visit the area so you can judge for yourself.

If you are relying on others in responding to a grievance, ask to review all relevant documents yourself and retain a copy for future reference if the grievance is appealed.

8. QUESTION OTHER SUPERVISORS TO GET INFORMATION AND THEIR VIEWS

See if you are being consistent with the action of others in like situations.

If you believe a rank-and-file grievance does not involve an express provision of the collective bargaining agreement or involves questionable facts, get another opinion.

9. IF A GRIEVANCE INVOLVES INTERPRETATION OR APPLICATION OF A CONTRACT PROVISION, CHECK WITH YOUR ADMINISTRATIVE OFFICER OR THE LABOR RELATIONS OFFICE FOR STATEWIDE IMPLICATIONS

It is important that policies and contract provisions are interpreted consistently on a statewide basis.

10. DO NOT COMMIT THE DEPARTMENT TO A POLICY THAT MAY HAVE IMPLICATIONS IN ANOTHER AREA

Check with your administrative officer or the Labor Relations Office to see if previous actions have been taken on that particular issue.

11. FOR SOME GRIEVANCES, IT WILL BE HELPFUL TO KNOW THE GRIEVANT'S PERSONNEL RECORD

Such information as: length of service, jobs held, absenteeism, tardiness, work effort, workmanship, discipline record, and the like, may assist you in assessing the situation.

12. RECORD ALL RESULTS OF YOUR INVESTIGATION

Make a full record of your findings: the department's position, arguments, witnesses, and evidence and discussions.

13. SECURE AND RETAIN COPIES OF ALL RECORDS THAT RELATE TO THE CASE

Records, like timesheets, station logs, dispatch tapes and correspondence, may assist you in reaching a decision. Retain copies for future use if the grievance is appealed.

14. ALWAYS REQUIRE THE EMPLOYEE OR HIS/HER REPRESENTATIVE TO IDENTIFY THE SPECIFIC RULE, POLICY, LAW, CONTRACT PROVISION OR PAST PRACTICE UPON WHICH HE/SHE IS RELYING

This will be necessary in order for you to conduct a proper investigation.

15. IF YOU DO NOT UNDERSTAND A PROVISION, GET AN INTERPRETATION FROM HIGHER MANAGEMENT

Before you make any decision, be sure you clearly understand the provision in question. Do not hesitate to ask higher management for assistance in interpreting policies or contract provisions.

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